

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MIGUEL SUCH,

Plaintiff

vs.

MARDIANN HUNSBERGER VINCENT;
JEFFREY BEARD; JAWAD SALAMEH,
M.D.; ANNETTE KOWALEWSKI;
WILBERT BJORKLAND; J. YOUNG, LPN;
SUZANNE SMITH, LPN; L. ROMESBURGH,
LPN; COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CORRECTIONS;
SCI-LAUREL HIGHLANDS; PRISON HEALTH
SERVICES, INC.,

Defendants

Civil Action No. 06-85J

Judge Kim R. Gibson

Magistrate Judge Amy Reynolds Hay

ORDER

AND NOW, this ^{22nd} day of March, 2007, after the plaintiff, Miguel Such, filed an action in the above-captioned case, and after motions to dismiss were submitted by the defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the Motion to Dismiss submitted by defendants Prison Health Services, Inc. and Jawad Salameh, M.D. ("the Contractor Defendants") [Dkt. No. 17] is granted as to the Ninth Amendment claims and any substantive due process claims and denied in all other respects. IT IS FURTHER ORDERED that the Motion to Dismiss submitted by the

Department of Corrections ("DOC") Defendants [Dkt. No. 19] is granted as to the Ninth Amendment claims; as to any substantive due process claims; as to Count I against DOC, SCI-Laurel Highlands and any official capacity suits against the individual DOC defendants; as to all DOC defendants as to all state law claims except for the three DOC nurse Defendants, Young, Smith and Romesburgh; and that it is denied in all other respects.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

KIM R. GIBSON
United States District Judge

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Honorable Amy Reynolds Hay
United States Magistrate Judge